

## COUNCIL SITE VISIT

JUNE 28, 2011

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Jay Furfaro at the Council Chambers, 3371-A Wilcox Road, Līhu'e, Kaua'i, on Tuesday, June 28, 2011 at 9:03 a.m., after which the following members answered the call of the roll:

Honorable Dickie Chang  
Honorable KipuKai Kuali'i  
Honorable Nadine K. Nakamura  
Honorable JoAnn A. Yukimura  
Honorable Jay Furfaro

Excused: Honorable Tim Bynum  
Honorable Mel Rapozo

Chair Furfaro: First of all, I want to thank JoAnn because when we were on Maui, she had some discussion with the Office of Information Practices (OIP) that we are going to pursue. I think we are also going to buy a camera eventually.

Ms. Yukimura: That is good.

Chair Furfaro: Yes, I think we need to operate...

Ms. Yukimura: We can take pictures of each other.

Chair Furfaro: Under the old rules... we are getting ready to start. Along the lines, I also have a couple of brief announcements. For the purposes of this morning, we are going to follow our old process and come back here and reconvene. This is a special agenda noticed for Tuesday, June 28, for a site visit to the Hanapēpē River Levee. We have Mr. Dill who is going to meet us there. We also have Representative Dee Morikawa who is going to meet us there as well. There are two (2) absences from today's meeting, but I think it is really important that we get this quick update. On that note, we are going to ask Eddie for some instructions. How are we going out to Hanapēpē?

EDUARDO TOPENIO, JR., Deputy County Clerk: We are going to go in one (1) van. I will be driving the van and I believe Jade will take the other SUV to take you down there. We will have water for you.

Chair Furfaro: The Sunshine Law requires that the substance of all matters proposed, discussed or decided in our meetings, be reflected in minutes. Given the difficulty of recording minutes and the discussion involving a large group over such a large area, I ask that you refrain from discussing issues with each other or with other people while in transit or on site. We will reconvene here after the visit. Larry Dill will be joining us, as well, and we can fully discuss these issues at that time. We are trying to let this thing have its natural evolution and I want to thank Vice Chair Yukimura again, but the other option to that is to actually have something recorded in the way of a camera site inspection and so forth. Like when we went to the *marae* in Po'ipū, the fact of the matter is that we

kind of all scattered. We need to know that when we do have those sessions, we need to stay close together. This is a work in progress and will evolve over time for future site inspections. On that note, I am going to recess so we can go off to Hanapēpē. Thank you.

There being no objections, the meeting was recessed at 9:07 a.m.

There being no objections, the site visit commenced at 10:05 a.m. on location, at the Hanapēpē River Levee located at Tax Map Key (TMK) (4) 1-9-002: 44, TMK (4) 1-9-011:12, 16 & 20, TMK (4) 1-9-012:47, 48, 49, 50, 51, 52 & 54, TMK (4) 1-9-003:12, 23 & 27, TMK (4) 1-9-004:21, and TMK (4) 1-9-007:13, Hanapēpē, Kauaʻi, Hawaiʻi.

Joining the Members of the Kauaʻi County Council at the Hanapēpē River Levee were the following:

1. Clayton Ueno, Resident and Taro Farmer
2. Daynette "Dee" Morikawa, State Representative
3. Tommy Oi, Kauaʻi District Land Agent, State of Hawaiʻi Department of Land and Natural Resources
4. Thomas Contrades, County of Kauaʻi CIP Manager
5. Ed Renaud, County of Kauaʻi, Chief of Field Operations & Maintenance
6. Larry Dill, P.E., County of Kauaʻi, County Engineer
7. Alfred B. Castillo, Jr., County of Kauaʻi, County Attorney
8. Alan Nonaka, Resident
9. Nancy Nonaka, Resident
10. Linda Harmon, Resident
11. Helene Kanahele, Resident

Council Chair Jay Furfaro stated that the purpose of this site visit is to obtain an overview of the issues at the Hanapēpē River Levee and a general briefing on the status of the remedies needed to address the various issues from the United States Army Corps of Engineers. Council Chair Furfaro stated that the Kauaʻi County Council will reconvene at the Council Chambers for additional questions and answers and asked that all Councilmembers limit questions until such time.

Representative Morikawa introduced Tommy Oi who explained that the State needs additional equipment and human resources to properly maintain the area. Mr. Oi also stated that the Hanapēpē River is owned by Alexander & Baldwin, Inc. and that maintenance of this area is done by them.

Council Chair Furfaro stated that the directive to purchase the needed equipment on the County level will be a responsibility of the Administration, but that the request will be made to the Mayor.

Representative Morikawa expressed that one of the biggest concerns in the area is the issue of flooding and that there are a lot of areas where vegetation is overgrown and illegal activity is occurring.

Mr. Dill stated that the Department of Public Works is aware of various issues specific to the Hanapēpē Levee that is currently being looked at by his Department. Mr. Dill stated that research is currently underway to look at who owns the various portions in question and whose responsibility it is to care for those areas. Mr. Dill stated that annual and periodic inspections are done and the United

States Army Corps of Engineers must certify that the Levee passes minimally acceptable requirements in order to remain compliant. Mr. Dill stated that his Department is expecting to receive a report on this specific Levee in October. Mr. Dill did note that it is difficult to keep the vegetation cut and is aware that additional maintenance is needed. Mr. Dill also noted that the Department is currently working on a permanent solution to address the erosion of the Hanapēpē River Levee. He further stated that the Levee could potentially affect residents in the area who may now need to purchase flood insurance.

Mr. Ueno stated that his main concern is the erosion occurring where the land meets the river. Mr. Ueno asked whether or not it is possible to remove the dead trees in the river which fell during past storms. Mr. Dill stated that the Department is currently working on it but are constrained by strict standards set by the United States Army Corps of Engineers. Mr. Castillo also noted that it is difficult for the County to address removal of dirt from the river because the County is not allowed to dredge or touch the water at the Hanapēpē River Levee.

Mr. Renaud stated that boulders were placed along the river bank to help with the erosion happening at the site.

Mr. Dill stated that the County is aware of the significant need for maintenance of the levee. He further stated that he has been informed that at times, the valves and "flapper gates" do not properly operate. He further noted that the United States Army Corps of Engineers will be working on remapping the area, which may have an impact on the necessity of obtaining flood insurance.

Ms. Kanahele stated that the County through Mr. Renaud has helped the community, but it is not enough. She further stated that additional funding is necessary to address the erosion of the levee.

Ms. Harmon stated that addressing the sandbar may help.

There being no objections, the site visit concluded at 11:30 a.m. and the Members of the Kaua'i County Council were transported back to the Council Chambers.

There being no objections, the meeting reconvened at the Council Chambers at 12:25 p.m. and proceeded as follows:

Chair Furfaro: We are back from recess and our site visit. A couple of things that kind of stood out for me, and I just want to make sure, but there was obviously a need to pay some attention to a regular process on the Repair and Maintenance (R&M). The "R" and "M" are the bridge itself, Larry. I know you and I took some special notes and you took a few pictures. Whether it was nailing some nails into the steps themselves or replacing some facial stripping along the walkway; typically to me, it seems like we should be doing some routine maintenance on a regular annual basis there. I am going to leave it to your professional observation and some of the things you shared with me. I will just leave that in your hands. The next part was that it seems to me that some of the floodgates themselves did not have the wheels to turn the gates, nor to close the gates in a real flood situation. I think you need to visit those particular situations... I guess they are considered "gateways."

LARRY DILL, P.E., County Engineer: For a lot of those gates, we do not keep the handles out there to prevent folks from trying to turn them and operate them. In the event we have to operate them, we bring them out with us to keep them in safe keeping.

Chair Furfaro: Okay. I did notice that there was one in the upper valley that was actually still on.

Mr. Dill: Right.

Chair Furfaro: I guess part of the Repair and Maintenance needs to be assured that those are able to operate. Then on the Waimea side of the levees and outside the levees, there seemed to be a dry ditch and it looks like at times, water does run in there, but I guess it is depending on some system that is taxed to the taro fields themselves. I am not sure if you reference that area that I am talking about, but it was actually on the outside of the levees. It looked like there was some drainage from the taro fields that was intended to be there.

Mr. Dill: Yes. I am not sure how water actually enters that ditch. I do know that at least one function it serves is that the properties in the valley behind the levee would drain into the ditch. That allows the water to be captured. As we pointed out, there are a few locations on the outside of the levee where we can drain flooded lands from outside the levees into the levee through those culverts there and have those sluice gates. I am not familiar with how that water might be fed into that ditch from upstream irrigation systems, but from our standpoint, we keep that ditch operational to make sure that we can drain flooded lands through the levee to the river when we have the opportunity.

Chair Furfaro: There are obviously some questions you need to ask with the Corps. Some of the lower tree lines below the levee— I do not know if it is better to have some of those trees removed or to have the banks strengthened with some rocks, and then have them removed. I do not think we understand the technicalities or the benefits of those bigger trees that are down actually in the river bank, other than the fact that we seem to have an accretion of land at some of the turns. As you get closer to the ocean, you actually have some of the banks falling into some of the water. I am sorry— the green store right by the original old bridge...

Mr. Dill: I do not know the name of the store, but I know the location you are referring to.

Ms. Yukimura: Seto.

Chair Furfaro: Yes, Seto Store. If you look back from the store, you can actually see parts of the bank falling in. That used to actually be a little road there that the fishermen would use.

Mr. Dill: Right. That is the area of the toe erosion that is going on that I mentioned to the Council before at a meeting, as well as today at the site. That was initially noted back in 2008 between us and the Corps at one of the inspections. As that pertains to the Corps original design and construction of the levee is failing, they are responsible for taking ownership of correcting that problem. While they have been pursuing that, we did press the issue with them and ask if we could do any interim measures to try to mitigate the

problem. We did place some concrete barricades in there, but that was not very successful, so again we have put the question to the Corps and ask what we can do over there to slow down the problem while they are still coming up with a permanent solution. It is difficult for us to go in there and start doing work because without doing work that is approved by the Corps, that can endanger our status in their system. We really do need their direction or at least approval of what we propose to do before we can do those sorts of things there.

Chair Furfaro: Do you have something in writing from them that said that "at the turn before you get to the old, original bridge, that that erosion is something they are addressing." Do you have that in writing?

Mr. Dill: Yes, we do.

Chair Furfaro: The last comment I have is that it seems to me that since the last hurricane when they extended the seawall outside, there is not enough current going in to the river to dispose of the sand, so that is why we are seeing all of the sandbars in the river, and the river is getting shallower and shallower. Is that something you are going to discuss with them in October?

Mr. Dill: Yes. That was an interesting point that was brought up today, so we will bring that up today with the Corps and ask for their comments on that.

Chair Furfaro: Okay. I am going to go around the table for the members that were on the tour. I wanted to thank you, Larry and Ed, for joining us. I thought we got a very informative briefing today. I do want to caution us on the things that were thrown out in expectation of us to be the maintenance group that takes care of the Alexander & Baldwin, Inc. (A&B) lands and the upper river flow. In my opinion, they are actually in the State jurisdiction. Our *kuleana* is with the levees themselves. I do not want to overpromise and under deliver to the community there, but we clearly need to get some kind of communication to A&B and to the State about areas that they could participate in more. I will go to the Vice Chair, and then we will go right around the table.

Ms. Yukimura: Thank you very much for being with us. Thank you, Chair, for scheduling this. First of all, it was very clear on how wonderful the bridge contributes to the character of the place. We even saw some tourists there. The issue of maintaining it, especially for safe passage, is important. I just want to reiterate the Chair's point about that. Do we have somebody who routinely maintains it?

Mr. Dill: I do not know if there is a routine maintenance program for the bridge. It has been done via on-call, by request, complaint, et cetera. In speaking with the Chair in the field, we will look into that.

Ms. Yukimura: Does this come under the Building Division?

Mr. Dill: Yes.

Ms. Yukimura: They have a broad scope.

Mr. Dill: Yes.

Ms. Yukimura: In terms of your approval needed from the Corps, is there a way to get categorical approval for certain things so that you do not have to go in on a case-by-case basis, but instead, they just agree that you can remove trees that are not higher than three (3) feet. Would you be able to do that? I am just wondering if there is a way to facilitate the relationship between the Corps and the County so that you do not always have to go back to them for routine maintenance and delay it.

Mr. Dill: The routine maintenance... things like vegetation related mowing and removal of trees should be something that we are hoping will be clearly identified in the communication that we expect to receive from them in October as a result of the May inspection. That should clearly outline everything for us in regards to maintenance of trees, bushes, and how short to keep the grass. We will be clear and we will not have to go back to them for that.

Ms. Yukimura: Okay.

Mr. Dill: When we have an erosion problem and it is eroding into the bank, that is the sort of thing that I intended to refer to as something we need the Corps approval of.

Ms. Yukimura: That would seem logical because the erosion would involve the dynamics of the flow of the water, the curve, and so forth.

Mr. Dill: Right.

Ms. Yukimura: I can see where that would have to be somewhat of a case-by-case thing.

Mr. Dill: Right.

Ms. Yukimura: You outlined some of the maintenance issues, but I missed most of them. Can you reiterate it? Do you remember what they were?

Mr. Dill: Yes. This is based upon our review of the levees as well as our discussions with the Corps. Of course, we will get a final list from the Corps in their inspection report of what they want us to do to get us back into their good graces. There are various stages of disrepair problems regarding the sluice gates. Some of them are corroded and inoperable as far as being...

Ms. Yukimura: What did you say?

Chair Furfaro: Floodgates...

Mr. Dill: The sluice gates or the floodgates.

Ms. Yukimura: Okay.

Mr. Dill: You saw distances along the levee... those concrete boxes with the gridding on top and the handle coming out.

Ms. Yukimura: Those are the gates.

Mr. Dill: Right. Those allow water to drain from outside the levees into the river, but you have to be able to open and close that to prevent the reverse from happening. Those are inoperable because of various problems like corrosion of the gates themselves and of the strap that holds the gate inside the concrete box of the shaft connected to the handle and miscellaneous items there. Also, below those gates into the levee, there is a "flapper gate" which when water flows into the levee, it allows the water to exit. Some of those are not operating properly. They should be able to close one hundred percent (100%). It may be corrosion or a mechanical problem and it may be just a matter of cleaning silt and debris that is accumulated. We walked down on the Līhu'e side of the levee closer to the highway and built on top of a levee, there is a concrete high wall a few feet high. In places there, the expansion joint between different pores just needs to be refilled with expansion joint material, which is fairly minor stuff that needs to be done. Some of the banks down in that area, in particular, have eroded a little bit and we need to rebuild them a little bit on the outside of the levee just to ensure their structural integrity. That is pretty much it aside from the maintenance of the vegetation.

Ms. Yukimura: The maintenance of the vegetation is something that you folks feel will be clearly delineated or do you hope it will be clearly delineated in the letter that comes from the Corps?

Mr. Dill: Absolutely.

Ms. Yukimura: Okay. With respect to the point that Representative Morikawa made that we have three (3) people assigned to Hanapēpē and Waimea levees; that is three (3) people full-time who are doing that work?

Mr. Dill: Yes, that is correct.

Ms. Yukimura: Okay.

Mr. Dill: Ed and I have been discussing that and we look at the whole issue to determine if that is the correct number of people or if we need to ramp that up at all.

Ms. Yukimura: Yes.

Mr. Dill: So that is a work in progress at the moment.

Ms. Yukimura: No, she seemed to think that because you have three (3) men, you need three (3) bushwhackers. Is that truly a missing piece of equipment or equipment that is needed?

Mr. Dill: We do have more equipment that is coming that was approved with this year's Budget. A flail on those bushwhackers will make them a lot more effective... I am sorry— on the excavator, it will make that a lot more effective for clearing the vegetation. Obviously, manpower and equipment are both necessary for maintenance, so that is part of the review we are doing to make sure we have proper allocation and equipment for this project.

Ms. Yukimura: Okay. Good. I would be interested in knowing what the total cost is to the County for maintaining it annually.

Mr. Dill: Okay. Once we determine the resources required, it should be fairly simple to attach numbers to that.

Ms. Yukimura: Okay. That is a follow-up question I guess. I guess that is it for now. Thank you.

Chair Furfaro: Mr. Kuali'i, you have the floor.

Mr. Kuali'i: *Aloha and mahalo.* I enjoyed the tour today and go to see some stuff I have not seen since my childhood. The primary question I have has to do with who is responsible for what part of the whole system along the river as far as the County versus the State. Is the only landowner of those surrounding areas A&B? What is their responsibility?

Mr. Dill: It is the County's responsibility to maintain all of the levees from *mauka* to *makai*. Of course, today we went further *mauka* within the levees. When you get upriver to where that (inaudible) crossing was, that is beyond our scope or our area of jurisdiction. We strictly maintain the levees and between the levees. That is what the County's responsibility is. The Corps, Federal government—they have a responsibility as far as coming back to repair issues like this toe erosion we were talking about because it was the facility they designed and constructed; therefore, they take responsibility to repair that to make sure it is corrected. As far as the State is concerned, I am not familiar with the boundaries up there between the various landowners *mauka*, but between the State and A&B, generally speaking, and I would defer to the Attorneys on this, but generally speaking, I understand that it is the landowners' responsibility to maintain their land so it does not negatively impact your neighbors with regards to drainage or whatever.

Mr. Kuali'i: I sort of have a naïve question because when we walk along, we walked on the levee, right?

Mr. Dill: Yes.

Mr. Kuali'i: When you look across the river, in many places, you do not necessary see what looks like a levee. It is just the river bank... or there is part of the way that is like the road on the other side, so there are rocks, and the river is kind of running right alongside of that road on the other side. Is the County responsible for only parts along the river that was actually a manmade, built levee, and then the other parts which are along the road or the regular river bank...

Mr. Dill: We maintain the levee, so we walk up the Waimea side of the levee. On the opposite side, the levee ends at about the point where you saw the cliff that is on one side of the river.

Mr. Kuali'i: Like where the town ends and you start going back by the cliffs?

Mr. Dill: Right. Exactly.

Mr. Kuali'i: The only landowner back there is A&B?



Mr. Dill: I am not familiar with the ownership so I cannot speak to that.

Mr. Kuali'i: The other thing is the road that we went in to get to where there used to be a river crossing— is that a County road? Is it open? Do people get to go back there? It seemed like the community members were concerned about drug use going back there. I did not see any gate. I did see a gate when we came off of the levee onto the road there in Hanapēpē Valley.

Mr. Dill: Right. So that road on the levee is part of the levee, so that is the County's, but that is not a public access road. It is gated; it is private. When we went further *mauka*, I would have to confirm this, but I believe the *mauka/makai* road is County. When you turn off of that, that is private, but I would have to confirm that.

Mr. Kuali'i: Private with probably A&B?

Mr. Dill: I am not sure...

Mr. Kuali'i: There was no gate...

Mr. Dill: I beg your pardon.

Mr. Kuali'i: There was no gate. I did not see any... we did not have to open the gate to go in there.

Mr. Dill: Right.

Mr. Kuali'i: I was just wondering what role the County might be able to play in preventing whatever the drug activity that the community is concerned about in there.

Mr. Dill: I would have to follow-up on that.

Mr. Kuali'i: Thank you. That is it for now.

Chair Furfaro: Larry, I had a bit of discussion with the County Attorney. Where the gate on top of the levee where we had to lock and unlock, up to that point, I understood that we had responsibility for that top of the levee. Once we went on to that particular road outside the gate and deeper into the valley, that was A&B and State.

Mr. Dill: Okay.

Chair Furfaro: It was explained to me like the water may be on the river, but the land under the river is the State. I would strongly suggest that for all of our sakes that you try to get clarification from the County Attorney's Office. The map that Tommy Oi brought— I was surprised to see so many of the areas marked as being *'ili* or land plots that were larger than a *kuleana*, but there might actually be family property. It is something that we should pursue.

Ms. Nakamura: It seems like it is going to take a while to do all of the technical studies and figure out what the long-term fixes are going to be, so in the meantime for our residents— this deaccreditation is going to result in

them needing to purchase the flood insurance. It seems like that is a real priority for us while the fixes are figured out and implementing the fix is going on. It is sort of a parallel course that needs to be pursued.

Mr. Dill: Yes. As I mentioned, I understand that there was a meeting last year with the community to bring them up to speed on this. We have talked to the Corps and they are going to have somebody here over in August, so we are coordinating another visit and another community meeting that is yet to be scheduled. You will be informed of when that is going to happen.

Ms. Nakamura: It is correct in saying that it might impact eight hundred fifty-nine (859) homes and commercial buildings?

Mr. Dill: I saw that number on their report. I got this yesterday, so I have not had a chance to follow-up on it. We are looking at it from our standpoint, as far as number of parcels. Of course, there may be multiple homes on a parcel.

Ms. Nakamura: Right.

Mr. Dill: Our number is significantly lower than that number. I do need to follow-up to find out how they came up with that number.

Ms. Nakamura: It just seems like we really need to make sure that if there are this many properties involved, they have multiple ways of knowing about this meeting and if they are not able to attend; how they would get the information. How soon are they able to get the insurance? How much is it going to cost? I think they are going to want to know all of those things. We should give them as much information as possible. It seems like we are responsible for the levee, A&B owns the river and much of the land around the river, as well as the State, and I do not see the different partners talking to each other because the *mauka* impacts on what is happening to the land... lower...

Mr. Dill: That is true to some degree. A&B does not own the river the in the area where the levees are. We had to get a special permit to do any work at all in the water, so we need to be careful about going in there without approval from the Corps.

Ms. Nakamura: Okay. Tommy Oi left me with the impression that A&B owned the entire river.

Mr. Dill: I do not think that is what he intended to say.

Ms. Nakamura: It is just a portion of the river?

Chair Furfaro: Actually, it is under the river that is the land question and I think part of it might be the State and parts of it might be A&B, but clearly not all.

Ms. Nakamura: That is an important basic fact to get a handle on like the ownership and who is responsible for what, as you mentioned earlier, Chair.

Chair Furfaro: Larry, so just to expand on what I said earlier about the County Attorney as Councilmember Nakamura implied— since the river has changed so many times, it is now water over other lands, but we would like to know within the river boundaries, what submerged lands are A&B's and what submerged lands are the State's.

Mr. Dill: Councilmember Nakamura, I think I am correct that A&B does not own between the levees because I think initially, it was all A&B, and then we acquired right away on either side of it for the levees.

Ms. Nakamura: Okay.

Mr. Dill: You are correct about that.

Ms. Nakamura: Would it be possible to ask specifically for a land-use ownership map of the river and surrounding areas?

Mr. Dill: Okay. I think that would be the map that Tommy had today. We can just clarify on that map.

Ms. Nakamura: Okay. On some of them, I think he had mentioned the Land Court Awards. It was in the middle of the river... there was a Land Court...

Chair Furfaro: Yes, those were the *ilis* that they are referring to.

Ms. Nakamura: Okay. Who owns those lands?

Chair Furfaro: There could be a family.

Ms. Nakamura: Yes. The map gave us some information, but I do not think it tells us the whole story.

Mr. Dill: Okay.

Ms. Nakamura: I would ask Staff to put that down as a follow-up.

Chair Furfaro: We will send that over as a follow-up question directed at you and the County Attorney's Office.

Mr. Dill: Okay.

Chair Furfaro: Mr. Chang, you have the floor.

Mr. Chang: Thank you, Chairman. Ed and Larry, thank you for being here. I just wanted to get some clarification. Larry, you mentioned the memo from Mr. Derek Chow, Chief Civil Public Works Branch. Did you get this memo? Okay. Just for clarification, on the fourth and fifth paragraphs, "Routine Inspections" and "Periodic Inspections", it says, "In the last routine inspection conducted May 5, 2010, the most common findings were unwanted vegetation, erosion, and rutting." The following paragraph says, "Periodic Inspections... during

May 2011.” So there was a routine inspection in May 2010 and a periodic inspection in May 2011.

Mr. Dill: Correct.

Mr. Chang: Okay, so they are one (1) year apart. These are different.

Mr. Dill: Yes. The routine inspections are done annually and the periodic inspections are every five (5) years.

Mr. Chang: Okay. I just wanted to get clarification because when you did your briefing prior to us starting the tour, you had mentioned “May” so I assumed it was this year, 2011, but when I was looking at the memo, I just want to make sure that the dates of the routine and periodic inspections are a year apart.

Mr. Dill: When they were out here, I understand they did a routine inspection of Waimea and a periodic of Hanapēpē. I know that is not clear in the memo that they have there.

Mr. Chang: Okay. I just wanted to make sure that the years were right because on the back page, there is another County request of a May 2009 Technical Study Project Modification. Ironically, all of this happened in May.

Mr. Dill: That is correct.

Mr. Chang: I just wanted to make sure because sometimes there are typographicals that go on and I just wanted to figure out what years it was happening, but they just ironically all happened in May.

Mr. Dill: Yes, that is correct.

Mr. Chang: Thank you. I just wanted to get that clarified.

Chair Furfaro: Just out of curiosity, Larry, of these routine inspections which are yearly and periodic inspections are every five (5) years; do you know the degree of the difference of the inspections? For one, do you just get a thump on the back of your lungs to see if they are functioning and to see if you do not have pneumonia? Then the other one, are they actually taking an x-ray of your lungs? What is the difference?

Mr. Dill: Generally speaking, the routine inspections are more cursory in (inaudible). The periodic inspections, every five (5) years, are more involved. I have been on one (1) inspection, so... I would have to get back to you on that, Chair. I do not have the details.

Chair Furfaro: That is fine. I think it probably would be important that we have those definitions as we deal with the eight hundred sixty-four (864) homeowners that have to tell their insurance company something if they are purchasing flood... the insurance companies are going to ask, “What is

covered in a routine inspection? What is covered in a periodic inspection?" It might make a difference on what a premium is.

Mr. Chang: Larry, I just wanted to ask a question. On these routine inspections... I know that they are routine, but would it make sense if we could request an inspection like maybe in November or December after the first winter big storm, or maybe January or February because there are all of these little manmade islands that we saw and the areas of concern along the toe of the levee. Maybe it might be important to do a before and after and if we could record pictures presently because if they come out the next time, it might not be the same crew that came out during the time when it is mellow, now to when there might be damage or concern after maybe the first or second storm or so. When the water rises, things can change and open up. When I look at "May, May, and May," maybe we should kind of mix it up. Maybe they might and you might get a little different idea of what the situation can look like or how the severity, or what have you works.

Mr. Dill: Okay. First off, I will mention that as you know, we are working hard now to get all the measures address that we anticipate will be forthcoming in the October report. We will be requesting an inspection from the Corps as soon as it is ready, so then hopefully we can get an acceptable rating from them to get back in the program. Also as part of our maintenance program for the levees, our supervisors are required to do regular inspections so that should be happening as well. I have just been informed that it is typical that the Corps does come out after major events and they will take it upon themselves to inspect to make sure that the facility is survived and operating as it should be, as it was designed and constructed to be. We can certainly make sure that we can add that to our list of things after major events and confirmed that there is Corps visit coming out for an inspection. Thank you.

Chair Furfaro: Good question.

Mr. Chang: Of course, we are obviously striving higher than just meeting a minimum standard effect. We are going to go forward and do the best we can to continue to get the services of the Army Corps.

Mr. Dill: Absolutely.

Mr. Chang: Thank you.

Chair Furfaro: Council Vice Chair.

Ms. Yukimura: In your discussions with the Corps, would you ask them if they are aware of jurisdictions in which levees have been created for communities that incorporate walkways or multiuse paths?

Mr. Dill: We will pose that question.

Ms. Yukimura: Okay.

Mr. Dill: My impression is that they do not want anyone on these levees, but we will pose that question.

Ms. Yukimura: Yes. If there is anything going on anywhere around the Country or they have figured out how to make the two work together, I would like to know about that. Thank you.

Chair Furfaro:

Councilmember Kualii.

Mr. Kualii: In this E-mail from Derek Chow, it says eight hundred fifty-nine (859) homes and commercial buildings are currently protected by the project. Would that be every home and commercial buildings that are in the entire valley and near the ocean too?

Mr. Dill: I do not know. I have to confirm with them on how they came up with that number.

Mr. Kualii: I think it would be interesting to know how they break that down too because I would imagine that the homes further up in the valley, right alongside the river, are probably more likely to flood. I do not know—maybe there is a difference between a grouping of homes that are more likely to flood, a grouping of homes that are in the middle, and maybe a grouping of homes that are pretty safe, even though they are in the valley, but because of where they are located along...

Mr. Dill: Yes. The structures that are further up the river, I do not think it would be included in this number.

Mr. Kualii: Like where we were? When we drove through the river crossing, we drove by several homes.

Mr. Dill: Yes. Those homes are not protected by the levees.

Mr. Kualii: Yes because...

Mr. Dill: It would not be included here.

Mr. Kualii: Yes. In this E-mail, I think in the last paragraph where it talks about flood risk, it says, "As long as a community resides in the flood plain, people and property are at risk to being flooded, even if protected by a flood control project. Structural flood control can only protect up to the level it is designed, operated, and maintained. There is always the potential for a flood greater than the flood control system provides. Residents should take action to reduce the severity of flooding by employing non-structural flood proofing measures. This includes moving out of the flood plain, elevating their home, flood proofing structures, flood warning systems, etc. Additionally, we recommend that all residents purchase flood insurance if they reside in the flood plain." I know at the very beginning of the talk when we were standing outside of the bridge, you made the comment about (inaudible) to get flood insurance. The other thought I had was that as we move forward and try to be responsible for the levees, preventing floods, protecting our citizens and making sure they have insurance at the period they have to have it while we are doing the repairs, and what have you, maybe it would not be a bad idea to work with the community and maybe even have a community meeting to talk about some of these other things; these non-structural flood proofing measures. As we drove by, we saw some of the newer homes on stilts and stuff, but

there are a lot of old homes too. Maybe there are things that they could be doing themselves to protect themselves also, so that is just a thought.

Mr. Dill: Yes, absolutely. Thank you. That would be one of the intents of that meeting with the community. Maybe I should not assume, but I assumed that was discussed at the previous community meeting, but we certainly intend to at this meeting.

Mr. Kuali'i: Thank you.

Chair Furfaro: Gentlemen, I want to thank you both for the arrangements today. I would also like the Staff to send a thank-you note from the Council to Representative Dee Morikawa and include Tommy Oi in recognizing that he had part of that. I really wanted to reference the site inspection and the joint site visit, not implying more responsibility to the County or less to the Federal government. It is really a joint activity and I would like to send that out on behalf of the Council. Larry, I will depend on your recommendations that when the Corps are here in October, if it would be appropriate for them to brief the Council.

Mr. Dill: Okay.

Chair Furfaro: I will leave that out there as a blank possibility, but I know there is a whole office that jumps in Washington D.C. in the State of Maryland when it is a trip to Hawai'i. Maybe we could keep them to give the Council a little bit of a briefing, too, as they are a significant partner in what we are attempting to do here. On that note, I just want to thank everybody today. Mr. Chang, do you have a question?

Mr. Chang: It is not in a form of a question, but I would like to say something. I want to thank you, Mr. Chair, for recognizing our State Representative of our 16<sup>th</sup> District, Daynette "Dee" Morikawa. During her coming back and forth, she actually saw our discussion about the levees and that got her very, very concerned, so I wanted to thank herself and Tommy Oi for helping to put together this site inspection. I also wanted to take the time to thank the families of Hanapēpē Valley that came out there to share their history and their *mana'o* and going back as far as fifty (50), sixty (60) years as to what was and was not there, and how far land actually stretched out into the rivers and the sides of the levees itself. Councilmember Yukimura mentioned the fact that we also had a tourist that was on the bridge. It is a big thing for our visitors to see what old Hawai'i was all about, the plantations and the workers themselves. Just to have the families of the valleys explain to us from the heart deep of the valley, they would walk along the banks, cross the river, and hike up the hill to go to 'Ele'ele School every day. It kind of reminds all of us what the good old days were for all of us at one point in time to get to school, which is totally different. I also wanted to mention that as we mentioned that Swinging Bridge, which is a very, very big part of not only Hanapēpē, but certainly the lifestyle and a tourist spot... yes, if we could have somebody to take a walk, make sure the nails are down at a level... on the side, we have those wires that stick out so a couple of those wires are jumping on in. At the same time, everybody is used to sliding their hand or their forearms over the nice, smooth wood. There are a little bit of splinters here and there and a little bit of cracks, but I think it is important for not only the safety and the enjoyment of the local residents going down memory lane, but certainly unsuspecting tourists that might not be aware of what different parts of the bridge needs that little minor

maintenance. I think it is very important as we concentrate on this area to put all of the beauty and the safety into one tone. Thank you.

Chair Furfaro: Thank you for summarizing the comments from the earlier part. We need to get into a routine maintenance program and we will leave that to your discretion. Vice Chair Yukimura, did you want the floor?

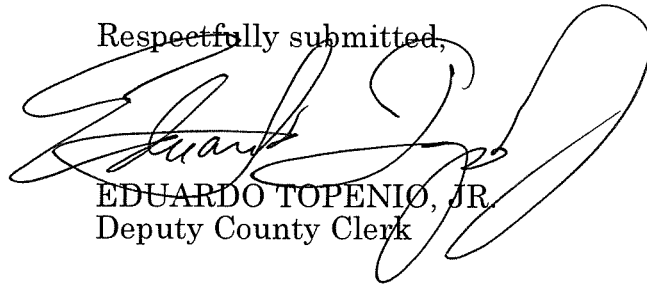
Ms. Yukimura: Yes. I just wanted to put on the record of what I already said at the field trip that the Banana Patch Studios have reported an injured tourist from the bridge. I wanted to get that on the record because that is an issue. Thank you.

Chair Furfaro: Okay. Again, many thanks for a successful tour today. This Special Council Meeting is adjourned.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 1:04 p.m.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Eduardo Topenio, Jr., is written over the typed name and title.

EDUARDO TOPENIO, JR.  
Deputy County Clerk

:jft/cy